

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Roanoke Division**

**BAE SYSTEMS ORDNANCE
SYSTEMS, INC.**

Plaintiff,

V.

FLUOR FEDERAL SOLUTIONS, LLC

Defendant.

Civil Action No. 7:20-CV-00587-MFU

**NONPARTY THOMAS D'AGOSTINO'S MOTION TO QUASH SUBPOENA TO
TESTIFY AT A DEPOSITION OR TO ISSUE A PROTECTIVE ORDER**

Nonparty Thomas D’Agostino, by counsel, hereby moves to quash the Subpoena to Testify at a Deposition in a Civil Action served by BAE Systems Ordnance Systems, Inc. (“BAE” or “Plaintiff”) on November 14, 2022, or alternatively, seeks a protective order postponing the deposition, which is currently scheduled for December 20, 2022.

For the reasons set forth in the accompanying Memorandum of Points and Authorities (“Memorandum”), which is incorporated herewith, the burden upon Mr. D’Agostino associated with his compelled testimony in this civil matter, at this time, significantly outweighs the benefits to BAE. Indeed, as explained in the Memorandum, it appears that BAE’s pursuit of Mr. D’Agostino’s testimony at this time—and BAE’s steadfast refusal to agree to move the deposition to a later date—appears intended for an improper purpose. Accordingly, Mr. D’Agostino requests this Court quash or modify the Subpoena, or issue a protective order moving the deposition to a point later in the discovery window.

Dated: December 15, 2022

Respectfully submitted,

/s/
Benjamin G. Chew (VSB # 29113)
BROWN RUDNICK LLP
601 Thirteenth Street NW, Suite 600
Washington, DC 20005
Telephone: (202) 536-1700
Email: bchew@brownrudnick.com

Attorneys for Non-Party Thomas D'Agostino

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of December, 2022, a copy of the foregoing was delivered via the CM/ECF system to the following:

Todd M. Conley
Jeffrey J. Golimowski
WOMBLE BOND DICKINSON (US) LLP
8350 Broad Street, Suite 1500
Tysons, Virginia 22102
Telephone: (703) 394-2275
Email: todd.conley@wbd-us.com
Email: jeff.golimowski@wbd-us.com

Joshua R. Treece (VSB #79149)
Justin E. Simmons (VSB # 77319)
WOODS ROGERS PLC
10 South Jefferson Street, Suite 1400
Roanoke, Virginia 24011
Telephone: (540) 983-7600
Facsimile: (540) 983-7711
Email: barnhill@woodsrogers.com
Email: jtreece@woodsrogers.com
Email: jsimmons@woodsrogers.com

Karen M. Stemland (VSB #47167)
WOODS ROGERS PLC
123 East Main Street, 5th Floor
Charlottesville, Virginia 22902
Telephone: (434) 220-6826
Facsimile: (434) 566-0473
Email: kstemland@woodsrogers.com

Attorneys for BAE Systems Ordnance Systems, Inc.

Respectfully submitted,

/s/

Benjamin G. Chew (VSB # 29113)